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PRIVASYS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PRIVASYS, INC.

Plaintiff,

v.

AMERICAN EXPRESS COMPANY and
AMERICAN EXPRESS TRAVEL RELATED
SERVICES COMPANY, INC.,

Defendants.

Case No. C-08-01072 SI

**NOTICE OF SETTLEMENT AND
STIPULATED MOTION TO VACATE
LITIGATION DATES
AND PROPOSED ORDER**

1 The parties wish to inform the Court that they have now fully executed a final written
2 settlement agreement, which requires the parties to dismiss all claims and counterclaims in this
3 action. Further, pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff PrivaSys, Inc. ("Plaintiff")
4 and Defendants American Express Company and American Express Travel Related Services
5 Company, Inc. ("Defendants"), hereby stipulate through their respective counsel of record as
6 follows:

7 WHEREAS the parties informed the Court on August 7, 2008, that they had reached an
8 agreement in principle to settle this case, and were working on finalizing a final written
9 agreement;

10 WHEREAS, the parties have now fully executed a final written settlement agreement;

11 WHEREAS, although the final settlement agreement provides for the filing of a
12 stipulated motion to dismiss this case in its entirety, the timing provided by the final agreement
13 is such that the filing of the motion for dismissal may occur as late as September 12, 2008,
14 whereas the deadline for plaintiff's preliminary infringement contentions is set to occur on
15 September 8, 2008. There is no purpose to filing such contentions, because this case has been
16 settled; and

17 WHEREAS, Pursuant to the final settlement agreement, the parties anticipate that the
18 stipulated motion to dismiss will be filed no later than September 12, 2008.

19 NOW THEREFORE the parties through their undersigned counsel hereby stipulate to,
20 and request the Court to order, that all litigation dates be vacated.

21 **IT IS SO STIPULATED**

22 DATED: September 3, 2008

HOSIE RICE LLP

23 By: /s/ George F. Bishop
24 George F. Bishop

25 *Attorneys for Plaintiff PrivaSys, Inc.*
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28

1 DATED: September 3, 2008

KIRKLAND AND ELLIS LLP

2 By: /s/ Perry Clark
3 Perry Clark

4 *Attorneys for Defendant American Express*
5 *Company and American Express Travel*
6 *Related Services Company, Inc.*

7 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic
8 filing of this document has been obtained from the other signatories.

9 DATED: September 3, 2008

10 /s/ George F. Bishop
11 George F. Bishop

ORDER

Pursuant to the stipulation of the parties, it is hereby ORDERED that all litigation dates in this case are hereby vacated.

SO ORDERED

September 8, 2008

Wm. Alsup for

Honorable Susan Illston
United States District Judge